



MONTANA STATE PRISON POLICIES AND PROCEDURES

Policy No.: MSP 3.4.100	Subject: PRE-HEARING CONFINEMENT
Chapter 3: INSTITUTIONAL OPERATIONS	Page 1 of 5, plus 1 attachment
Section 4: Rules and Discipline	Revision Date: 9/27/04
Signature: /s/ Mike Mahoney	Effective Date: 9/25/98

- I. POLICY:** an inmate may be temporarily isolated from other inmates for safety, security, or other legitimate correctional interests.
- II. IMPLEMENTATION:** this policy was formerly named Temporary Lockup. With this revision it has been re-named, effective on the revision date above.
- III. AUTHORITY:**
MSP 3.4.1 Institutional Discipline
MSP 4.2.1 Inmate Classification
- IV. DEFINITIONS:**
Pre-hearing confinement (PHC): the temporary isolation of an inmate while he awaits a classification review, disciplinary hearing, or other official action.
- V. PROCEDURES:**
A. Criteria for Placement in PHC:
The criteria for imposing PHC may include:
1. An inmate may be at risk of serious harm and should be isolated until the threat can be evaluated and appropriate action taken.
 2. An inmate may present an immediate risk of serious harm to others and should be isolated until the risk can be evaluated and appropriate action taken.
 3. An inmate presents an immediate risk of escape or other security threat and should be isolated until the risk can be evaluated and appropriate action taken.
 4. Isolation is required to maintain or restore order, security, or safety following a disturbance, fight, assault, or other disorderly event, or to overcome inmate insubordination.
 5. An inmate is facing an ongoing or pending disciplinary hearing, and PHC is required to:

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- a. Protect others (staff or inmate) prior to a disciplinary hearing.
 - b. Prevent an inmate from intimidating or coercing other inmates to give false testimony or to refuse to testify at a hearing.
 - c. Facilitate an investigation of allegations.
- 6. A criminal investigation is ongoing or pending and isolation is deemed reasonably necessary to facilitate the investigation.
- 7. Classification review/reassessment is ongoing or pending and isolation is deemed reasonably necessary to facilitate the investigation.
- 8. A circumstance exists which appears to require immediate, temporary isolation of one or more inmates to protect the legitimate correctional interest of the facility.

B Initiating PHC:

- 1. PHC may be substantiated by:
 - a. A staff member's personal observations.
 - b. Evaluation of intelligence or reliable informant information.
 - c. An inmate who:
 - 1) Claims others have threatened him with physical harm.
 - 2) Has disobeyed a Verbal Direct Order to return to his assigned cell.
 - 3) Has committed self-harm.

The inmate will not be disciplined for these behaviors if an investigation determines he did this solely out of concern for his own safety, these actions were clearly related to ensuring his own safety, and/or are the result of mental disease or defect.
 - d. A staff member's suspicion or perception of risk based on experience or training.
 - e. Other information received regardless of the source.
- 2. Staff who believe PHC is appropriate should provide all information relevant to that determination. The timeliness of the notification should be consistent with the urgency of the need for PHC.
 - a. The decision to impose PHC for classification review should be made by the Unit Manager or designee who shall ensure a Classification Review Notification form

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(attachment A) is completed and personally served to the inmate within 24 hours of his placement in PHC.

- b. The decision to impose PHC for a disciplinary hearing should be made by the Shift Commander, who shall ensure the Disciplinary Infraction Report(s) and all related incident reports are completed and that the Disciplinary Infraction Report is served to the inmate prior to the end of the shift.
- c. In all cases the Unit Manager/designee or Shift Commander shall ensure:
 - 1) The receiving PHC unit and Mental Health staff are notified as soon as possible of the move.
 - 2) An Admission/Discharge Report (ADR) is completed and taken or sent electronically to the Classification Placement Office.

C. Coordination Of Movement:

1. The staff member placing the inmate in PHC will contact the Classification Placement Office and/or PHC unit to verify the availability of a PHC cell.
2. If all PHC cells are occupied, the Unit Manager or designee will coordinate with the Shift Commander to ensure appropriate placement of the inmate.
3. When an inmate is placed in PHC, the staff member who placed the inmate in PHC will complete an ADR and forward it to the Classification Placement Office.
4. A Movement Coordinator will generate a list of inmates in PHC and distribute it to the respective Unit Management Team, Command Post, Warden, Deputy Warden, Associate Wardens, Duty Officer, Mental Health Department, Infirmary, and Classification Officer.

D. 72-Hour Deadline:

1. The Disciplinary Hearings Officer (DHO) shall coordinate all hearings for disciplinary PHC's, completing an investigation and conducting a hearing, within 72 hours of the inmate's placement in PHC, excluding weekends and holidays. The DHO may extend the placement in PHC for another 72 hours if further investigation is needed to determine what action is appropriate. He/she must fill out the continuance section on the Disciplinary Hearing Decision form and a new ADR, and take the ADR to the Classification Placement Office. The DHO must ensure that a unit staff member notifies the inmate(s) in person of the extended PHC.

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2. The Unit Management Team of the sending unit shall conduct the classification review for an inmate placed in PHC, pending an investigation and classification decision. The review must be conducted within 72 hours of the inmate's placement in PHC, excluding weekends and holidays. The staff member conducting the investigation may extend the placement in PHC for another 72 hours if further investigation is needed to determine what action is appropriate. If a second extension is necessary he/she must get the Deputy Warden or designee's approval. They must fill out a new ADR for each extension, and take it to the Classification Placement Office. If the Unit Management Team is unable to make a classification decision after two extensions they must initiate PHC termination as outlined in section G. below. It is the sending unit's responsibility to ensure that the inmate is notified in person of the extended PHC.

E. Conditions of PHC shall be as outlined in the PHC unit's policy, rules, and operational procedures.

F. An inmate placed in PHC shall be allowed the personal property items as listed for PHC inmates on the current "MSP Approved Inmate Personal Property List" providing the privilege of having these items is not abused.

G. Terminating PHC:

1. The individual initiating PHC termination must fill out an ADR and document the reason(s) for the termination on the Notification Form or an Incident Report attached to the ADR.
2. Reasons for terminating PHC:
 - a. The Shift Commander and/or Unit Manager or designee determines PHC placement is no longer necessary.
 - b. The disciplinary hearing or classification review has been completed and resolved.
 - c. Results of the disciplinary or classification investigation are inconclusive.
 - d. Institutional need.

VI. CLOSING: Questions concerning this policy shall be directed to the Warden.

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Montana Department of Corrections

Classification Review Notification

LAST NAME

FIRST NAME

AO#

Within a 72-hour period, an interview will be held addressing your present custody level and job assignment. You will be present at this review and have an opportunity to present evidence on your own behalf.

REASON FOR NOTICE:

DATE: / /

TIME: hrs.

INMATE SIGNATURE:

STAFF SIGNATURE:

DATE: / /

TIME: hrs.

RESULTS:

STAFF SIGNATURE: